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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 100110643-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert Louis Cobene II

Confirmation No.: 2048

Application No.: 10/621,489

Examiner: John L. Goff II

Filing Date: July 18, 2003

Group Art Unit: 1791

Title: BOOKBINDING ADHESIVE FORMING DEVICE AND METHOD

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on September 18, 2008.

☒ The fee for filing this Appeal Brief is \$540.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$130

☐ 2nd Month
\$490

☐ 3rd Month
\$1110

☐ 4th Month
\$1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 540 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

☒ A duplicate copy of this transmittal letter is enclosed.

Date: October 24, 2008

Respectfully submitted,

Robert Louis Cobene II

By

48360

I hereby certify that this document is being filed by personal delivery to the Customer Service Window Randolph Building, 401 Dulany Street Alexandria, VA 22314, of the United States Patent & Trademark Office on the date indicated above.

By: 48360
(Attorney Signature and Reg. No.)

Patrick C. Keane

Attorney/Agent for Applicant(s)

Reg No. : 32,858

Date : October 24, 2008

Telephone : (703) 838-6522



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Attorney/Agent for Applicant(s)

Reg No. : 32,858

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By: [Signature] 48360
(Attorney Signature and Reg. No.)



Attorney's Docket No. 100110643-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Robert Louis Cobene II)

Application No.: 10/621,489)

Filed: July 18, 2003)

For: BOOKBINDING ADHESIVE)
FORMING DEVICE AND)
METHOD)

Group Art Unit: 1791

Examiner: John L Goff II

Appeal No.: _____

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated June 18, 2008 finally rejecting claims 26-28, 32 and 33, which are reproduced as the Claims Appendix of this brief.

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I. Real Party in Interest

The present application is assigned to Hewlett Packard Development Company, L.P.. Hewlett Packard Development Company, L.P. is the real party in interest, and is the assignee of Application No. 10/621,489.

II. Related Appeals and Interferences

The Appellant legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-44 were originally presented. By the Office Action of August 2, 2005, a first election requirement was asserted; and by the Office Action of September 27, 2005, claims 1-25 and 36-44 were withdrawn from consideration. By the Amendment of February 20, 2007, claim 30 was canceled. By the Office Action of September 19, 2007 a second election requirement was imposed; and by the Office Action of November 9, 2007, a cumulative total of claims 1-25, 29, 31 and 34-44 came to be withdrawn from consideration. Of claims 1-29 and 31-44 that are pending, claims 26-28, 32 and 33 are being appealed.

IV. Status of Amendments

No amendments were filed after final rejection dated June 18, 2008.

V. Summary Claimed Subject Matter

As recited in claim 26, a method (300) of binding an assembly of plural sheets is disclosed to form a book-like structure (e.g., paragraph [0036]; Figs. 3B-3D). Such a method comprises contacting a translatable first contacting surface (322 or 324 of Figs. 3B-3D) to a backed hot melt adhesive sheet (308) located on a spine surface

(304) of the assembly of plural sheets (306) (e.g., lines 1-4 of paragraph [0036]), the spine surface being perpendicular to a planar surface of the assembly of plural sheets; applying force with at least a translatable second contacting surface to the planar surface (310) in an area where the backed hot melt adhesive sheet contacts the planar surface (e.g., lines 5-7 of paragraph [0036]); and actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink (334) based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect (e.g., lines 2-5 of paragraph [0038]), to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive (e.g., lines 7-11 of paragraph [0039]) to below the glass transition temperature of the hot melt adhesive (e.g., lines 1-2 of paragraph [0038]), wherein at least the translatable first contacting surface (322 or 324) has an angled leading edge (328 or 330) adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle (e.g., lines 7-12 of paragraph [0036]).

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action presents the following grounds of rejection to be reviewed on appeal:

A. Claims 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,246,325 (Morishige et al.) in view of U.S. Application Publication No. 2001/0019691 (Boss) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.).

B. Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,246,325 (Morishige et al.) in view of U.S. Application Publication No. 2001/0019691 (Boss) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.), and further in view of U.S. Application Publication No. 2002/0064437 (Kuramoto et al.).

C. Claims 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,024,525 (Yamanaka) in view of U.S. Application Publication No. 2001/0019691 (Boss), U.S. Patent No. 5,871,323 (Clark) and U.S.

Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.).

D. Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,024,525 (Yamanaka), U.S. Application Publication No. 2001/0019691 (Boss), U.S. Patent No. 5,871,323 (Clark), and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.), and further in view of U.S. Application Publication No. 2002/0064437 (Kuramoto et al.).

VII. Argument

A. Claims 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,246,325 (Morishige et al.) in view of U.S. Application Publication No. 2001/0019691 (Boss) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.).

In numbered paragraph 3, pages 2-4 of the final Office Action, independent claim 26, along with dependent claims 27 and 28, was rejected as being unpatentable over U.S. Patent No. 5,246,325 (Morishige et al.) in view of U.S. Application Publication No. 2001/0019691 (Boss) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.). This rejection is respectfully traversed, as the documents relied upon by the Examiner fail to teach, suggest or provide any motivation whatsoever for Appellant's method of binding an assembly of plural sheets to form a book-like structure, as set forth in independent claim 26.

The Examiner has failed to establish a prima facie case of obviousness in combining the Morishige et al. patent, the Boss publication and the Capriz et al. publication or the Colbert et al. patent to reject independent claim 26. For example, Appellant's independent claim 26 recites a method of binding an assembly of plural sheets to form a book-like structure including, among other features, contacting a translatable first contacting surface to a backed hot melt adhesive sheet located on a spine surface of the assembly of plural sheets, the spine surface being perpendicular to a planar surface of the assembly of plural sheets; applying force with at least a translatable second contacting surface to the planar surface in an area where the

backed hot melt adhesive sheet contacts the planar surface; and actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle.

Appellant has discussed of record exemplary methods of binding an assembly of plural sheets to form a book-like structure. For example, Appellant has discussed Figs. 3A-3D in which a leading edge 328, 330 is adapted to contact a protruding end portion 308 of a backed hot melt adhesive sheet 302, and to redirect the protruding end portion 308 toward the plane surface 310 (e.g., paragraph [0036]).

Appellant has further disclosed absorbing heat from a hot melt adhesive into at least a portion of the clamping jaw 320. For example, Appellant has disclosed that absorbing heat includes actively removing heat from the hot melt adhesive with a heat sink 334, such as a Peltier device, a device with internal circulation of a cooling medium, or a Joule-Thomson device (e.g., paragraph [0038]). Absorbing heat solidifies or cures the hot melt adhesive of the backed hot melt adhesive sheet 302 (e.g., paragraph [0038]).

The foregoing features are broadly encompassed by claim 26. Claim 26 recites A method of binding an assembly of plural sheets to form a book-like structure including, among other features, actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle.

The Morishige et al. patent would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26. Instead, the Examiner apparently retracts earlier admissions of record, and now substitutes a baseless assertion on page 3 of the final Office Action that "Morishige teaches the hot melt adhesive of the backed hot melt adhesive sheet is heated and melted considered heated to a temperature above the glass transition temperature of the hot melt adhesive and then actively cooled to solidify the hot melt adhesive considered actively withdrawing heat from the backed hot melt adhesive sheet to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the adhesive." The Examiner then sets forth a circular reasoning of the same proposition with no substantiation.

Likewise, towards the bottom of page 3 of the final Office Action, the Examiner makes further unsubstantiated assertion that "Regarding the limitation of actively withdrawing heat using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, Morishige teaches the hot melt adhesive is cooled via an unshown cooling means it being noted providing a heat sink for dissipating heat from a heated surface is well known...." Again, the Examiner has not met his burden in his assertions, and Appellants submit that the Morishige et al. patent would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition

temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

The Boss publication does not cure the deficiencies of the Morishige et al. patent. While the Examiner relies on Fig. 2 and paragraph 17 of the Boss publication to assert on page 4 that "Boss teaches including the actively cooled heat sink within the clamping jaw...", Appellant respectfully disagrees with the Examiner's ultimate conclusion.

The Examiner applied the Boss publication for its disclosure of a heat sink 30, which is unrelated to Appellant's claimed active heat sink. Rather, the "heat sink" as relied upon by the Examiner is based on a large "thermal mass" of a solid block 30 as illustrated in Fig. 2. The Boss publication, considered individually or in the combination as suggested by the Examiner, would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

The Capriz et al. publication and the Colbert et al. patent do not cure the deficiencies of the Morishige et al. patent and the Boss publication. Rather, as tersely relied upon by the Examiner at the top of page 4 of the final Office Action, the Capriz et al. publication discloses a heat sink (paragraph [0004]), particularly a liquid-cooled heat sink (paragraph [0005]); and the Colbert patent discloses a heat sink 102 attached to a heat pipe 101, described as a liquid cooled heat sink (col. 5, lines 10-19). However, they merely stand for the liquid-cooled heat sink as described, and do not relate specifically to Appellant's claimed use of a heat sink based on an active cooling device, which is one of a Peltier device, a device having

an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, as recited in claim 26. Furthermore, as Appellants have claimed, the at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

For at least the above reasons, the totality of the features as clearly recited in Appellant's claim 26 would not have been rendered obvious by the combination of references as relied upon by the Examiner. The remaining rejected claims 27 and 28 depend from claim 26 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

For at least these reasons, the rejection of claims 26-28 is improper. Accordingly, the rejection should be reversed.

B. Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,246,325 (Morishige et al.) in view of U.S. Application Publication No. 2001/0019691 (Boss) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.), and further in view of U.S. Application Publication No. 2002/0064437 (Kuramoto et al.)

On page 5 of the final Office Action, the Examiner has rejected claims 32 and 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,246,325 (Morishige et al.) in view of U.S. Application Publication No. 2001/0019691 (Boss) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.), and further in view of U.S. Application Publication No. 2002/0064437 (Kuramoto et al.). This rejection is respectfully traversed, as the documents relied upon by the Examiner fail to teach, suggest or provide any motivation whatsoever for Appellant's method of binding an assembly of plural sheets to form a book-like structure, as variously claimed.

Appellant has set forth arguments submitting that the totality of the features as clearly recited in Appellant's claim 26 would not have been rendered obvious by the

combination of the Morishige et al. patent, the Boss publication, the Capriz et al. publication and the Colbert et al. patent.

The Kuramoto et al. publication does not cure the deficiencies of the aforementioned references as relied upon by the Examiner. Rather, the Kuramoto et al. publication was applied by the Examiner for its disclosure of a one sheet binding embodiment as shown in Fig. 3 and an adhesive dispensing system 72 as shown in Figs. 4A-4D. However, the Kuramoto et al. publication, considered individually or in the combination as suggested by the Examiner, would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

Rejected claims 32 and 33 depend from claim 26 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

For at least these reasons, the rejection of claims 32 and 33 is improper. Accordingly, the rejection should be reversed.

C. Claims 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,024,525 (Yamanaka) in view of U.S. Application Publication No. 2001/0019691 (Boss), U.S. Patent No. 5,871,323 (Clark) and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.)

On pages 6-8 of the final Office Action, the Examiner has rejected claims Claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,024,525 (Yamanaka) in view of U.S. Application Publication No. 2001/0019691 (Boss), U.S. Patent No. 5,871,323 (Clark) and U.S. Application Publication No.

2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.). This rejection is respectfully traversed, as the documents relied upon by the Examiner fail to teach, suggest or provide any motivation whatsoever for Appellant's method of binding an assembly of plural sheets to form a book-like structure, as set forth in claim 26.

The Examiner has failed to establish a prima facie case of obviousness in combining the Yamanaka patent, the Boss publication, the Clark patent and the Capriz et al. publication or the Colbert et al. patent to reject independent claim 26.

On page 6 of the Office Action, the Examiner admits that "Yamanaka is silent as to including within the clamping jaw (e.g., between the first contacting surface 702 of Figure 1 and press 730 of Figure 1) an active cooling member." At least for these reasons, the Yamanaka patent would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

The Boss publication does not cure the deficiencies of the Yamanaka patent. For the like reasons as set forth above, while the Examiner relies mainly on a thermal mass of heat sink 30 configured in relation to a heated paten 28 as shown in Fig. 2, Applicant respectfully disagrees with the Examiner's ultimate conclusion that "Boss teaches including the actively cooled heat sink within the clamping jaw..." The Boss publication, considered individually or in the combination as suggested by the Examiner, would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition

temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

The Clark patent does not cure the deficiencies of the Yamanaka patent and the Boss publication. Rather, the Clark patent was applied by the Examiner on page 8 of the final Office Action for its disclosure that the nose of each side nip press 28a, 28b that presses into the spine region 10a is chamfered on its upper edge in order to assist in producing a conventional cover page (col. 6, lines 17-35). However, the Clark patent, considered individually or in the combination as suggested by the Examiner, would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

The Capriz et al. publication and the Colbert et al. patent do not cure the deficiencies of the Yamanaka patent, the Boss publication and the Clark patent. Rather, as tersely relied upon by the Examiner at the top of page 8 of the final Office Action, the Capriz et al. publication discloses a heat sink (paragraph [0004]), particularly a liquid-cooled heat sink (paragraph [0005]); and the Colbert patent discloses a heat sink 102 attached to a heat pipe 101, described as a liquid cooled heat sink (col. 5, lines 10-19). However, they merely stand for the liquid-cooled heat sink as Appellants have argued above, and do not relate specifically to Appellant's claimed use of a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, as

recited in claim 26. Furthermore, as Appellants have claimed, the at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

For at least the above reasons, the totality of the features as clearly recited in Appellant's claim 26 would not have been rendered obvious by the combination of references as relied upon by the Examiner. The remaining rejected claims 27 and 28 depend from claim 26 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

For at least these reasons, the rejection of claims 26-28 is improper. Accordingly, the rejection should be reversed.

D. Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,024,525 (Yamanaka), U.S. Application Publication No. 2001/0019691 (Boss), U.S. Patent No. 5,871,323 (Clark), and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.), and further in view of U.S. Application Publication No. 2002/0064437 (Kuramoto et al.)

On page 9 of the final Office Action, the Examiner has rejected claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,024,525 (Yamanaka), U.S. Application Publication No. 2001/0019691 (Boss), U.S. Patent No. 5,871,323 (Clark), and U.S. Application Publication No. 2002/0167795 (Capriz et al.) or U.S. Patent No. 6,385,044 (Colbert et al.), and further in view of U.S. Application Publication No. 2002/0064437 (Kuramoto et al.).

This rejection is respectfully traversed, as the documents relied upon by the Examiner fail to teach, suggest or provide any motivation whatsoever for Appellant's method of binding an assembly of plural sheets to form a book-like structure, as variously claimed.

Appellant has set forth arguments submitting that the totality of the features as clearly recited in Appellant's claim 26 would not have been rendered obvious by the combination of the Yamanaka patent, the Boss publication, the Clark patent and the Capriz et al. publication or the Colbert et al. patent.

The Kuramoto et al. publication does not cure the deficiencies of the aforementioned references as relied upon by the Examiner. Rather, the Kuramoto et al. publication was applied by the Examiner for its disclosure of a one sheet binding embodiment as shown in Fig. 3 and an adhesive dispensing system 72 as shown in Figs. 4A-4D. However, the Kuramoto et al. publication, considered individually or in the combination as suggested by the Examiner, would not have taught or suggested actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle, as recited in claim 26.

Rejected claims 32 and 33 depend from claim 26 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

For at least these reasons, the rejection of claims 32 and 33 is improper. Accordingly, the rejection should be reversed.

Conclusion

The Examiner has failed to establish a prima facie case of obviousness in variously rejecting claims 26-28, 32 and 33. At least for these reasons as variously set forth, a reversal of the final rejection, and allowance of the present application, are therefore requested.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

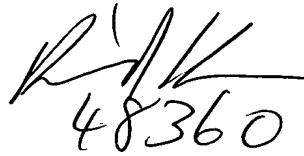
Evidence Appendix as attached indicates: NONE.

X. Related Proceedings Appendix

Related Proceedings as attached indicates: NONE.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



Date October 24, 2008

By: 

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VIII. CLAIMS APPENDIX

The Appealed Claims

26. A method of binding an assembly of plural sheets to form a book-like structure, the method comprising:

contacting a translatable first contacting surface to a backed hot melt adhesive sheet located on a spine surface of the assembly of plural sheets, the spine surface being perpendicular to a planar surface of the assembly of plural sheets;

applying force with at least a translatable second contacting surface to the planar surface in an area where the backed hot melt adhesive sheet contacts the planar surface; and

actively withdrawing heat from the backed hot melt adhesive sheet using a heat sink based on an active cooling device, which is one of a Peltier device, a device having an internal circulating medium, and a device based on a Joule-Thomson effect, to bring a temperature of a hot melt adhesive of the backed hot melt adhesive sheet from above a glass transition temperature of the hot melt adhesive to below the glass transition temperature of the hot melt adhesive, wherein at least the translatable first contacting surface has an angled leading edge adapted to contact a protruding end portion of the backed hot melt adhesive sheet at an offset angle.

27. The method of claim 26, wherein the second contacting surface is mounted for movement with the first contacting surface.

28. The method of claim 26, wherein actively withdrawing heat includes actively withdrawing heat with the active heat sink attached to and in thermal communication with at least one of the first contacting surface and the second contacting surface to solidify or cure the hot melt adhesive.

32. The method of claim 26, comprising attaching the backed hot melt adhesive sheet to the spine surface of the assembly of plural sheets at discrete

points and softening the hot melt adhesive of the backed hot melt adhesive sheet, wherein softening includes raising a temperature of the hot melt adhesive above a glass transition temperature of the hot melt adhesive.

33. The method of claim 32, wherein at least a portion of the softened hot melt adhesive flows into at least a portion of the assembly of plural sheets.

IX. EVIDENCE APPENDIX

NONE.

X. RELATED PROCEEDINGS APPENDIX

NONE.